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8 **UNITED STATES BANKRUPTCY COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 In re:  
11 HORIZON RIDGE MEDICAL & CORPORATE  
CENTER, L.L.C.,  
12 Debtor.

Case No.: BK-S-12-13906-BTB  
Chapter 11

Date: May 27, 2014  
Time: 1:30 p.m.

13 **DECLARATION OF ROBEY TUATE IN SUPPORT OF DEBTOR'S OPPOSITION TO**  
14 **SALE OF DEBTOR'S ASSETS**

15 I, Robey Tuate, hereby declare as follows:

16 1. I am over the age of 18 and am mentally competent. I am the managing member  
17 of Madame-Et-Monsieur L.L.C. ("MEM") and in such capacity, I have personal knowledge of  
18 the facts in this matter and if called upon to testify, could and would do so. I make this  
19 declaration in support of *Debtor's Opposition to Sale of Debtor's Assets* (the "Opposition").<sup>1</sup>

20 2. MEM and Horizon Ridge Medical and Corporate Center ("Debtor") entered into a  
21 lease effective August 1, 2007 for Suite 103, being 2,964 sq. ft. rentable, with an expiration date  
22 of October 31, 2015 (the "Lease").

23 3. MEM received the *Notice of Assumption and Assignment or Rejection of*  
24 *Executory Contracts and Unexpired Leases* [ECF No. 560] (the "Notice") filed by Bank of  
25 America, N.A., successor by merger to LaSalle Bank National Association, as trustee for the  
26 registered holders of GMAC Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-

27  
28 <sup>1</sup> All capitalized, undefined terms shall have the meanings ascribed to them in the Opposition.

1 Through Certificates, Series 2003-C1 (the "Lender"), which stated that Lender was the  
2 successful bidder at the auction and that MEM's Lease will be will be assumed and assigned to  
3 Lender.


4 4. MEM is concerned that Lender has not disclosed whether it intends to maintain  
5 and operate the Horizon Ridge Medical and Corporate Center (the "Center") or to market and  
6 resell the Center to a presently unknown purchaser (the "Subsequent Purchaser"). The  
7 uncertainty of the future owner and the substantial possibility of a disruption in future business  
8 operations is of particular concern.

9 5. Additionally, no evidence has been presented to MEM that Lender or the  
10 Subsequent Purchaser has the ability and willingness to perform in accordance with the terms of  
11 the Lease or that Lender or the Subsequent Purchaser has or will retain on-site management, in  
12 addition to the MDL Group, to provide the managerial services previously provided by Debtor's  
13 owners. As such, MEM is concerned that if the sale to Lender is effectuated, the Center will not  
14 be maintained in the same high quality and condition experienced and relied upon in executing  
15 the Lease.

16 6. Further, no evidence has been presented to MEM that Lender or the Subsequent  
17 Purchaser has the financial and professional resources and willingness to provide without delay  
18 the obligations of the landlord under the Lease, thereby placing MEM's Lease and interests at  
19 risk. Accordingly, MEM does not support approval of the sale to Lender or the assumption and  
20 assignment of the Lease to Lender.

21 I declare under penalty of perjury of the laws of the United States that these facts are true  
22 to the best of my knowledge and belief.

23 DATED this 20 day of May, 2014.

24   
25 Robey Tuate  
26  
27  
28